



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

841 Chestnut Building
Philadelphia, Pennsylvania 19107

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CERTIFIED MAIL

RETURN RECEIPT REQUESTED

JUN 13 1988

In Reply Refer to: 3HW17

Mr. Donald L. Sturm, Chairman
Continental Can Company, Inc.
800 Connecticut Ave.
Norwalk, CT 06856

Re: Request for Information Pursuant to Section 104 of
CERCLA and Section 3007 of RCRA for the Delaware
Sand and Gravel Site.

Dear Mr. Sturm:

The United States Environmental Protection Agency (EPA) is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants, or hazardous wastes on or about the Delaware Sand and Gravel Site in New Castle County, Delaware (the "Site"). This investigation requires inquiry into the identification, nature, and quantity of materials that were transported to the Site and the nature or extent of a release of contaminants at or from the site. EPA also is seeking information relating to the ability of a person to pay for or to perform a cleanup of the Site. Your company is requested to furnish all information and documents in its possession, custody or control, or the possession, custody or control of any of its officers, employees or agents which concern, refer or relate to hazardous substance as defined by Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9601(14), which were transported to, stored or disposed of at the Delaware Sand and Gravel Site.

The Site was operated by Joseph and Vincent Dell Aversano as the Delaware Sand and Gravel Company. Entities such as Eastern Industrial, ABM Disposal, Gene Banta, Ralph Ciccone and Sons, Inc., Angelo Terranova, Gene Bendersky, Micucio

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Brothers, Trash Removers, Rollins Purle, Stanley J. Twardus and Sons, Inc., Harvey & Knotts, Rose Hill Drum Co., Weaver Pole Line Construction Co., and others may have transported hazardous substances to the Delaware Sand and Gravel site. EPA has information indicating that your Delaware facility, operated by Bone, Crown, and Cork was a generator of hazardous substances which were either transported to and/or disposed of at the Delaware Sand and Gravel site.

Pursuant to the authority of Section 104 of CERCLA, the Administrator of the Environmental Protection Agency has the authority to require any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes and/or substances, to furnish information related to such wastes and/or substances, 42 U.S.C. Section 9604, as amended, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927. You are hereby required to answer the following questions, and to provide all documents in your possession relating to the following:

1. Identify the respondent to these questions.
2. For each and every question contained herein, identify all persons consulted in the preparation of the answer.
3. For each and every question contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the question and provide true and accurate copies of all such documents.
4. List the EPA RCRA Identification Numbers of the respondent, if any, and identify the corresponding units, facilities or vessels assigned these numbers.
5. Describe the acts or omissions of any persons, other than your employees, agents or those persons with whom you had a contractual relationship, that may have caused the release or threat of release of hazardous substances at the Site.

In addition:

- a. Describe all precautions that you took against foreseeable acts or omissions of any such third parties and the consequences that could possibly result from such acts or omissions;
- b. Describe the care you exercised with respect to the

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hazardous substances found at the Site.

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6. Identify all persons, including your employees, who have knowledge, information or documents about the generation, use, purchase, treatment, storage, disposal or other handling of hazardous substances at or transportation of hazardous substances to the Site.

7. Provide all existing technical or analytical information about the Site, including but not limited to data and documents related to soil, water (ground and surface), geology, hydrogeology, or air quality on and about the Site.

8. Do you know or have reason to know of any on-going or planned investigations of the soil, water (ground or surface), geology, hydrogeology or air quality on or about the Site? If so:

- a. Describe the nature and scope of these investigations;
- b. Identify the persons who are undertaking or will undertake these investigations;
- c. State the dates of such investigations; and
- d. Describe as precisely as possible the locations at the site; where such investigations are taking or will take place.

9. Identify all persons, including you, who may have given, sold, transferred, or delivered any material or item, including any hazardous substance as described in attachment f to the Site. In addition:

- a. State the dates on which each such person may have given, sold, transferred, or delivered such material;
- b. Describe the materials or items that may have been given, sold, transferred, or delivered, including type of material, quantity, chemical content, physical state, quantity by volume and weight, and other characteristics;
- c. Describe the intended purpose of each sale, transfer, or delivery;
- d. Describe the source of or process that produced the materials that may have been sold, transferred, or delivered; and
- e. Describe all efforts taken by such persons to determine what would actually be done with the materials that may have been sold, transferred or delivered after such materials had been sold, transferred or delivered.

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10. Identify all persons, including yourself, who may have transported substances to the Site. Such persons will hereinafter be referred to as "Transporters." For each such Transporter, further identify:

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a. In general terms, the nature and quantity of all non-hazardous materials transported to the Site;

b. The nature of the hazardous materials transported to the Site including the chemical content, characteristics, and physical state (eg., solid, liquid);

c. The persons from whom the Transporters accepted hazardous substances;

d. Every date on which they transported the hazardous substances to the Site;

e. The owners of the hazardous substances that were accepted for transportation by the Transporter;

f. The quantity (weight and volume) of hazardous substances brought by the Transporter to the Site;

g. All tests, analyses, analytical results and manifests concerning each hazardous substances accepted for transportation to the Site;

h. The precise locations at the Site to which each hazardous substance was transported;

i. Who selected the location to which the Transporter would take each hazardous substances;

j. Who selected the Site as the location to which the Transporter would take each hazardous substances;

k. The amount paid to each Transporter for accepting the hazardous substances for transportation, the method of payment, and the identity of the persons who paid each Transporter;

l. Where the persons identified in i., above, intended to have such hazardous substances transported and all documents or other information (oral or written) evidencing their intent;

m. All locations at which such hazardous substances were shipped through, or were stored or held at, prior to their final treatment or disposal;

n. What activities transpired with regard to the hazardous substances after they were transported to the Site (e.g. treatment, storage or disposal);

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o. The final disposition of each of the hazardous substances brought to the Site;

p. The measures taken by the persons who gave the hazardous substances to the Transporters to determine what the Transporters would actually do with the hazardous substances they accepted; and

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q. The type, number and condition of containers in which the hazardous materials were contained when they were accepted by the Transporters and when they were left at the Site and any other labels, numbers or other markings on the containers.

11. Identify all persons, including you, who may have:

a. disposed of or treated materials at the Site;

b. arranged for the disposal or treatment of materials at the Site; or

c. arranged for the transportation of materials to the Site (either directly or through transshipment points) for disposal or treatment. Such persons will hereinafter be referred to as "generators."

12. For each and every instance in which a generator performed any of the actions specified in parts a. - c. of the previous question:

a. Identify the generator;

b. Identify the persons with whom the generator made such arrangements including, but not limited to Delaware Sand and Gravel Company;

c. Identify all persons who may have directly or indirectly transported or otherwise brought any materials to the Site;

d. State every date on which each Generator made such arrangements.

e. Describe the nature, including the chemical content, characteristics, physical state (e.g., solid, liquid) and quantity (volume and weight) of all hazardous substances involved in each such arrangement;

f. In general terms, describe the nature and quantity of materials involved in each such arrangement;

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g. Identify the owner of the hazardous substances involved in each such arrangement;

h. Describe all tests, analyses, analytical results or manifests concerning each hazardous substance involved in such transactions;

i. Describe as precisely as possible any and all of the locations at which each hazardous substance involved in such transactions actually was disposed or treated;

j. Identify the persons who selected the location to which the hazardous substances were to be disposed or treated;

k. Identify who selected the Site as the location at which hazardous substances were to be disposed or treated;

l. State the amount paid in connection with each such arrangement, the method of payment, and the identity of the persons involved in each arrangement;

m. Describe where the persons identified in subparts j. and k. of this question intended to have the hazardous substances involved in each arrangement treated or disposed and all documents or other information (written or oral) evidencing their intent;

n. Describe all intermediate sites to which the hazardous substances involved in each arrangement were shipped, or at which they were stored or held, any time prior to final treatment or disposal;

o. Describe what was done to the hazardous substances once they were brought to the Site;

p. Describe the final disposition of each of the hazardous substance involved in each arrangement;

q. Describe the measures taken by the generator to determine how and where treatment or disposal of the hazardous substances involved in each arrangement would actually take place; and

r. Describe type, condition and number of containers in which the hazardous substances were contained when they were disposed, treated, or transported for disposal or treatment and describe any labels, numbers or, other markings on the containers.

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13. Provide a list of your Comprehensive General Liability and Environmental Impairment Liability Insurance policies and Directors and Officers policies for the period from 1962 through the present. Specify the insurer, policy, effective dates, and state per occurrence policy limits for each policy. Copies of policies may be provided in lieu of a narrative response.

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14. Identify the parent corporation and all subsidiaries of Respondent.

15. Identify all persons who may be responsible for the liabilities of Respondent arising from or relating to the release or threatened release of hazardous substances at the Site, including or relating to the release

16. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

17. For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained.

18. Please provide any other documents or information retained by your company regarding Delaware Sand and Gravel Landfill, which you have not previously provided to EPA.

Your company should also submit copies of all documents containing the answers to these questions or used in answering these questions.

As used herein, the term "documents" includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, correspondence, offers, contracts, agreements, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of analysis, analytical work sheets, chromatographs, studies, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, or any other material that concerns the identity, character, composition or effect on humans, animals, or the environment of any waste element, substance, compound, or mixture at this site.

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Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each and every Information Request within ten (10) days of receipt of this letter, or to adequately to justify such failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA, as amended, and/or Section 3008 of RCRA. Each of these statutes permits EPA to seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001 or Section 3008(d) of RCRA.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

Your response to this Information Request should be mailed to:

Terry Stilman
U.S. Environmental Protection Agency, Region III
SARA Special Sites Section (3HW17)
841 Chestnut Building
Philadelphia, PA 19107

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above. If you have any legal or technical questions relating to this Information Request, you may consult with the EPA prior to the time specified above. Please direct legal questions to Ms. Karen Kellen of the Office of Regional Counsel at (215) 597-5499. Technical questions should be directed to Mr. Terry Stilman at the above address, or at (215) 597-0984.

Thank you for your cooperation in this matter.

Sincerely,



Bruce P. Smith, Branch Chief
Hazardous Waste Enforcement Branch

Enclosures: Location Map
Enclosure F

CC-DNR/REC

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P-609 172 380

RECEIPT FOR CERTIFIED MAIL

World L. Sturges
Continental Can Co
Newark CT

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PS Form 3800, June 1983

Postmark or Date

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● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
↑(Extra charge)↑ ↑(Extra charge)↑

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|---|--|
| 3. Article Addressed to: <i>Mr. Donald L. Sturm, Corp</i> <i>Continental Company</i> <i>800 Connecticut Ave</i> <i>Newark, CT 06856</i> | 4. Article Number <i>P 609 072 380</i> Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail Always obtain signature of addressee or agent and DATE DELIVERED. |
| 5. Signature — Addressee <i>X</i> <i>[Signature]</i> | 8. Addressee's Address (ONLY if requested and fee paid) |
| 6. Signature — Agent <i>X</i> <i>[Signature]</i> | |
| 7. Date of Delivery <i>10/20/88</i> | AR200513 |

PS Form 3811, Mar. 1987

★ U.S.G.P.O. 1987-178-268

DOMESTIC RETURN RECEIPT